

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JARRELL D. PEREZ,

Plaintiff,

-against-

LOUIS MOLINA, et al.,

Defendants.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/5/2024
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23-CV-801 (JHR) (BCM)

**VALENTIN ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

On October 17, 2023, the Court entered an Order of Service and requested that the individual defendants, all of whom are or were officers or employees of the New York City Department of Corrections (DOC), waive service of the summons and complaint. (*See* Dkt. 11 at 3.) However, on November 15, 2023, the DOC declined to waive service on behalf of defendants "Captain Mulbrav," "Captain Smith," and "Captain Shaw," asserting that the agency did not have an employee named "Mulbrav" and that it required more information to identify "Captain Smith" and "Captain Shaw." (Dkt. 14.) At the case management conference on April 4, 2024, the New York City Law Department (Law Department) reaffirmed that the DOC lacked sufficient information to identify these defendants.

Under *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997), a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. Accordingly, it is hereby ORDERED that if plaintiff wishes to pursue his claims against the above-mentioned defendants, he must submit a letter, no later than **April 11, 2024**, providing more detailed descriptions of Captain Mulbrav, Captain Smith, and Captain Shaw, in order to assist the Law Department and the DOC in identifying them, including:

- (1) the **first name** and **badge number** of each of these defendants, if known;

- (2) **when** (exact date and approximate time of day) the plaintiff interacted with each defendant;
- (3) **where** (specifically) he interacted with them;
- (2) **how** each defendant approached or interacted with him; and
- (3) a **physical description** of each defendant (including approximate height and weight, gender, and skin, eye, and hair color).

Within **30 days** after plaintiff provides this information, the Law Department and the DOC shall identify the defendants whom plaintiff seeks to sue here, if possible, and either list the address(es) where these defendants may be served, or state whether the DOC waives service on their behalf.

Dated: New York, New York  
April 5, 2024

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**